

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN MICHAEL MERRILL,

Defendant.

CR-05-65-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 10, 2020. (Doc. 49.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 9, 2020. (Doc. 44.) The United States accused Merrill of violating his conditions of supervised release 1) by consuming alcohol; 2) by using methamphetamine; and 3) by committing other crimes. (Doc. 43). At the revocation hearing, Merrill admitted that he had violated the conditions of his supervised release: 1) by consuming alcohol; 2) by using methamphetamine; and 3) by committing other crimes. (Doc. 44.) Judge Johnston

found that Merrill's violations proved to be serious and warranted revocation, and recommended that Merrill receive a custodial sentence of 14 months, with no supervised release to follow. (Doc. 49.) Merrill was advised of the 14 day objection period and his right to allocute before the undersigned. He did not waive those rights. (Doc. 44.)

The violations prove serious and warrant revocation of Merrill's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 49) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant John Michael Merrill be incarcerated for a term of 14 months of custody, with no supervised release to follow.

DATED this 25th day of June, 2020.



Brian Morris, Chief District Judge
United States District Court